

REMARKS

Claims 1-16, 21 and 24 are pending in the application. Claims 21 and 24 were previously allowed. Claims 2, 4, 5, 7, 9, 12, and 14-16 are amended. Claims 1, 17-20, 22 and 23 are canceled.

As a preliminary matter, the applicant thanks the examiner for the allowance of claims 21 and 24, as well as the indication of allowability of the subject matter of claims 4, 7, 15 and 16, should the same be rewritten in independent form. Each of claims 4, 7, 15 and 16 are hereby rewritten in independent form. Claims 2, 5, and 9 are amended to depend from claim 4. Claims 12 and 14 are amended to depend from claim 15. As a result of these amendments, each of claims 2-10 and 12-16 are allowable.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Heinrich in view of Neary (4,068,510). The examiner admits that Heinrich does not disclose or teach the claimed feature of a “torque block comprising a female end engageable with said male end.” Instead, the examiner argues that “it would have been obvious to one of ordinary skill in the art to modify the lock cylinder assembly of Heinrich by substituting a well known spindle or torque blade actuator of Neary for the rotor actuator of Heinrich as an obvious matter of design choice.” The examiner further argues that use of the torque blade of Neary in place of the rotor actuator of Heinrich is an obvious design choice. In order to establish this argument, the examiner interprets the spindle 76 as being the torque blade, with the female end being the end of the spindle 76 housed within the plug of Neary.

Respectfully, the examiner’s interpretation of Neary as teaching the claimed feature is incorrect and contradicts the finding of the BPAI. The spindle of Neary does not disclose or teach a torque blade having the claimed feature of a “female end engageable with a male end” of the plug. Indeed, the female end of the spindle of Neary is engageable with the key 68 of Neary, and does not engage with any component of the plug of Neary. As argued on appeal, and confirmed by the BPAI, the key 68 of Neary is not an element or component of the plug of Neary. (See BPAI Decision page 6 where the Board states “the end of the key 68 of Neary cannot be

considered to be part of the plug." As the only portion of Neary engaging the female end of the spindle 76 is the key 68, Neary cannot disclose or teach the claimed feature.

Thus, the claimed feature of "a torque blade comprising a female end engageable with said male end" cannot be rendered obvious by the combination of Heinrich in view of Neary as neither Heinrich nor Neary include any teaching with regards to the claimed feature. Thus claim 11 is allowable over Heinrich in view of Neary, and the rejection should be withdrawn.

The Examiner is invited to contact Applicant's representative, Stephen Burch, at 248-283-0727, if any issues remain. Fees in the amount of \$880.00 for four additional independent claims and \$490.00 for a two-month extension of time may be charged to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge the same Deposit Account for any additional fees or credit the account for any overpayment.

Respectfully submitted,

/Stephen A. Burch/

Stephen A. Burch, Reg. No. 66,570
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

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